

SENATE BILL 761

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2004 Regular Session
4r2919
CF 4r2567

By: **Senator Conway**
Introduced and read first time: February 12, 2004
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol and Drug Abuse Administration - Halfway Houses - Zoning**
3 **Classification**

4 FOR the purpose of providing that certain halfway houses are considered a certain
5 type of dwelling for certain purposes; authorizing certain halfway houses to be
6 located in certain residential zones; prohibiting certain halfway houses from
7 being subject to certain exceptions, permits, or procedures; providing that this
8 Act supersedes certain ordinances, rules, or regulations; and generally relating
9 to the Alcohol and Drug Abuse Administration and halfway houses.

10 BY adding to
11 Article - Health - General
12 Section 8-406
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 8-406.

19 (A) THIS SECTION APPLIES ONLY TO HALFWAY HOUSES REGULATED BY THE
20 ADMINISTRATION.

21 (B) A HALFWAY HOUSE THAT ADMITS AT LEAST FOUR BUT NOT MORE THAN
22 EIGHT INDIVIDUALS IS:

- 23 (1) DEEMED CONCLUSIVELY TO BE A SINGLE-FAMILY DWELLING; AND
24 (2) PERMITTED TO BE LOCATED IN ALL RESIDENTIAL ZONES.

25 (C) A HALFWAY HOUSE THAT ADMITS AT LEAST NINE BUT NOT MORE THAN
26 SIXTEEN INDIVIDUALS IS:

1 (1) DEEMED CONCLUSIVELY A TO BE A MULTIFAMILY DWELLING; AND

2 (2) PERMITTED TO BE LOCATED IN ZONES OF SIMILAR DENSITY.

3 (D) A HALFWAY HOUSE MAY NOT BE SUBJECT TO ANY SPECIAL EXCEPTION,
4 CONDITIONAL USE PERMIT, OR PROCEDURE THAT DIFFERS FROM THAT REQUIRED
5 FOR A SINGLE-FAMILY DWELLING OR A MULTIFAMILY DWELLING OF SIMILAR
6 DENSITY IN THE SAME ZONE.

7 (E) A GENERAL ZONING ORDINANCE, RULE, OR REGULATION OF ANY
8 POLITICAL SUBDIVISION THAT CONFLICTS WITH THE PROVISIONS OF THIS SECTION
9 OR ANY RULE OR REGULATION THAT CARRIES OUT THE PURPOSES OF THIS SECTION
10 IS SUPERSEDED BY THIS SECTION TO THE EXTENT OF ANY CONFLICT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2004.